

Service Date: September 11, 1992

DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MONTANA

\* \* \* \* \*

IN THE MATTER of the Complaint of	)	
ECONO-CALL OF MONTANA,	)	UTILITY DIVISION
	)	
Complainant,	)	
	)	
-vs-	)	DOCKET NO. 91.4.14
	)	
NORTHWESTERN TELEPHONE SYSTEMS,	)	
INC., dba PTI Communications,	)	
	)	ORDER NO. 5646
Defendant.	)	

FINAL ORDER ON PROVISIONING ISSUES  
AND LEVEL OF ACCESS CHARGES

PROCEDURAL BACKGROUND

On March 27, 1991 Econo-Call of Montana (ECMT or Econo-Call) filed a Complaint with the Montana Public Service Commission against Northwestern Telephone Systems, Inc. dba PTI Communications (PTI) requesting an Order requiring PTI to provide Feature Group A (FGA) and Feature Group B (FGB) access services from U.S. West Communications (USWC) at PTI's point of presence (POP) in Kalispell, Montana.

On April 3, 1991 ECMT filed a Complaint with the Commission against PTI regarding the level of PTI's switched access charges.

Formal notice of ECMT's Complaints was issued to PTI by the Commission on April 9, 1991.

On April 30, 1991 PTI filed an Answer to the ECMT Complaints.

On July 9, 1991 PTI filed a Counter-claim and Request for Bond or Deposit. PTI's Counter-claim was consolidated into this Docket by Commission action.

The formal hearing on all these matters was held on March 16, 1992. ECMT chose not to present any evidence at the hearing concerning the Complaint it filed on April 3, 1991 regarding the level of PTI's switched access charges.

#### FINDINGS OF FACT AND COMMISSION DISCUSSION

ECMT has requested PTI to provide ECMT with USWC access services at PTI's point of presence in Kalispell.

PTI has offered to provide the USWC services requested by ECMT in Kalispell by means of a Special Access/Private Line service.

Kalispell is located in PTI's service territory. Kalispell is not located in USWC's service territory.

PTI's tariffed access service rates are significantly higher than USWC's tariffed access service rates at the present time.<sup>1</sup>

---

<sup>1</sup> The level of PTI's access charges is one subject of PTI's current rate case pending before the PSC in Docket No. 92.7.32.

The access services requested by ECMT are already offered by PTI in Kalispell at regulated rates in its tariffs. ECMT is seeking to pay USWC's lower tariffed rates for the same services, by seeking an order which would in effect require PTI to purchase access services from USWC and carry it between USWC's POP in Missoula and PTI's POP in Kalispell. ECMT does not propose that PTI be separately compensated for providing this service.

The Commission denies the provisioning requests of ECMT in their entirety. ECMT is attempting to bypass PTI's service by obtaining similar service from USWC through PTI's facilities. All of the services requested by ECMT are provided by PTI in their service territory at regulated tariffed rates. ECMT is requesting PTI to provide USWC access services to ECMT in PTI's service territory (outside of USWC's service territory) without compensation to PTI, that is, only paying USWC access tariff rates. Calls routed from Kalispell as proposed by ECMT would travel through USWC's switch in Missoula, unnecessarily using both switching and transmission facilities. ECMT can obtain FGA and FGB service directly from PTI in Kalispell without this unnecessary use of network facilities.

The Commission is not persuaded that either PTI or USWC are required by law or tariff to provide USWC access services to ECMT in PTI's service area. On this basis, ECMT's complaint also fails.

Under the service arrangement proposed by ECMT, USWC would collect FGA or FGB access revenues from ECMT, but USWC would then have to pay higher Feature Group D access charges to PTI to complete ECMT's calls in the Kalispell service territory. Based upon the evidence presented by PTI and ECMT in this Docket, the Commission can see no justification for imposing this cost and service burden on USWC. Furthermore, even if it were appropriate, the PSC could not issue a binding Order against USWC in this Docket. USWC was not named as a Defendant in ECMT's Complaint. USWC has not participated in this case and has had no notice of any potential PSC action binding upon it.

#### CONCLUSIONS OF LAW

PTI offers regulated telecommunications services in the state of Montana and is a public utility. §69-3-101, MCA. The PSC has authority to supervise, regulate and control public utilities. §69-3-102, MCA. The PSC properly exercises jurisdiction over PTI's Montana operations pursuant to Title 69, Chapter 3, MCA.

The PSC has the authority to hear and decide the complaints filed by ECMT, an access customer of PTI. §69-3-321 et seq., MCA.

The PSC has provided adequate public notice of all proceedings herein and an opportunity to be heard, to all interested parties in this Docket. §69-3-325, MCA, and the Montana Administrative Procedure Act, Title 2, Chapter 4, MCA.

The service practices of PTI which are the subject of ECMT's provisioning Complaint herein, are just and reasonable. PTI is required by its tariffs to offer its own FGA and FGB service in Kalispell, but PTI is not required to provide ECMT with USWC's services in Kalispell.

#### ORDER

#### IT IS HEREBY ORDERED:

The provisioning Complaint filed by ECMT on March 27, 1991 is hereby DENIED in its entirety.

ECMT's Complaint regarding the level of PTI's access charges (filed on April 3, 1991) is hereby dismissed without prejudice.

This Order constitutes a Final Order only with respect to the provisioning issues raised by ECMT's Complaint filed on March 27, 1991; and an Order dismissing ECMT's Complaint filed on April 3, 1991 regarding the level of PTI's access charges. The Commission hereby reserves jurisdiction to issue subsequent decisions on all other issues pending in this Docket, including all issues raised by PTI's counter-claims and the measurement issues.

Done and Dated this 8th day of September, 1992 by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

---

DANNY OBERG, Chairman

---

WALLACE W. "WALLY" MERCER, Vice Chairman

---

BOB ANDERSON, Commissioner

---

JOHN B. DRISCOLL, Commissioner

---

TED C. MACY, Commissioner

ATTEST:

Ann Purcell  
Acting Commission Secretary

(SEAL)

NOTE: Any interested party may request that the Commission reconsider this decision. A motion to reconsider must be filed within ten (10) days. See ARM 38.2.4806.